

OPINION

The defendant, Eugene McCarter, appeals as of right from the Blount County Circuit Court's revocation of his probation. He argues that the trial court erred by revoking his probation. We disagree.

The defendant was convicted on December 5, 1994, upon the entry of a guilty plea to the offense of selling more than one-half ounce nor more than ten pounds of marijuana, a Class E felony. The trial court sentenced the defendant as a Range I, standard offender to two years to be suspended after serving six months in the county jail. On June 9, 1995, a probation violation warrant was issued, and the defendant's probation was revoked on July 25, 1995, following a probation revocation hearing. The defendant was released again on December 12, 1995. Another probation violation warrant was issued on June 21, 1996.

At the revocation hearing, Stan Miller, the defendant's probation officer, testified that the defendant admitted to him that he used alcohol while on probation. He said that the defendant voluntarily went for detoxification treatment but that the defendant left after a few days. He stated that on June 6, the defendant was arrested for public intoxication. He stated that the defendant failed to report to him after June 5, failed to maintain suitable employment, and failed to complete community service. At the hearing, the defendant admitted that he drank beer while on probation and that he failed to report to his probation officer. The trial court revoked the defendant's probation and ordered the defendant to serve his sentence.

After full consideration of the record, the briefs, and the law governing the issues presented, we are of the opinion that the evidence justifies the revocation and that no error of law exists that would require a reversal. Therefore, we determine that

the judgment of the trial court should be affirmed pursuant to Rule 20, Tenn. Ct. Crim.
App.

Joseph M. Tipton, Judge

CONCUR:

Joe G. Riley, Judge

Curwood Witt, Judge